UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

TT of NYC, LLC, d/b/a TUTOR TIME ON SIXTH

Employer

and

Case 2-RC-23380

CSAEUM DISTRICT COUNCIL 1707, AFSCME

Petitioner

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

The National Labor Relations Board has considered objections to an election held on June 15, 2009, and the Regional Director's report recommending disposition of them.

The election was conducted pursuant to a Stipulated Election

Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a threemember group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See Teamsters Local 523 v. NLRB, 590 F.3d 849 (10th Cir. 2009); Narricot Industries, L.P. v. NLRB, 587 F.3d 654 (4th Cir. 2009); Snell Island SNF LLC v. NLRB, 568 F.3d 410 (2d Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. Sept. 11, 2009) (No. 09-328); New Process Steel v. NLRB, 564 F.3d 840 (7th Cir. 2009), cert. granted 130 S.Ct. 488 (2009); Northeastern Land Services v. NLRB, 560 F.3d 36 (1st Cir. 2009), petition for cert. filed 78 U.S.L.W. 3098 (U.S. Aug. 18, 2009) (No. 09-213). But see Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed 78 U.S.L.W. 3185 (U.S. Sept. 29, 2009) (No. 09 - 377).

Agreement.² The tally of ballots in the Professional unit shows 17 for and 26 against the Petitioner, with 2 challenged ballots, an insufficient number to affect the results. The tally of ballots in the Non-Professional unit shows 0 for and 4 against the Petitioner, with 1 challenged ballot, an insufficient number to affect the results.

The Board has reviewed the record in light of the Petitioner's exceptions and brief, has adopted the Regional Director's findings and recommendations, and finds that a certification of results should be issued.

 $^{^{2}}$ The professional employees voted to be in a unit that did not include non-professional employees.

CERTIFICATION OF RESULTS OF ELECTION

IT IS CERTIFIED that a majority of the valid ballots have not been cast for CSAEUM DISTRICT COUNCIL 1707, AFSCME, and it is not the exclusive collective bargaining representative of these bargaining unit employees.

Dated February 23, 2010, Washington, D.C.

Wilma B. Liebman, Chairman

Peter C. Schaumber, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD